Docket No.: 041-1987

In re Application of

Satoshi BAN et al.

<u>PATENT</u>

The second secon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

:

:

central fax center APR 0 1 2005

Serial No. 09/003,812

Group Art Unit: 2644

Filed: 07 January 1998

Examiner: L. Grier

For: MULTIPURPOSE EARPHONE SET (as amended)

MAIL STOP: AMENDMENT COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an INFORMATION DISCLOSURE STATEMENT in the above identified application.

[] No additional fee is required.

Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[X] Also attached: 1) Copy of Scarch Report Communication from EPO; and

2) Four references (1 US and 3 Japanese) cited therein, with English Abstracts as necessary.

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	3	20	0	x \$ =	\$ 0.00
Independent Claims	2	3	0	x \$ =	\$ 0. <u>00</u>
I macpendent claims	_	Fees			\$ 0.00
·				TOTAL FEE DUE	\$ 0.00

[] Form 2038 in the amount of \$.00 is attached

[X] The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 50-1088, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

CLARK & BRODY

Israel Gopstein

Registration No. 27,333

1090 Vermont Avenue, N.W. Suite 250

Washington, D.C. 20005 Date: April 1, 2005 (202) 835-1111

(202) 835-1755 (fax)

04/01/2005 19:51 240-3710700 PAGE 04/56

Docket No.: 041-1987

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 0 1 2005

In re Application of

:

Satoshi BAN et al.

Group Art Unit: 2644

Serial No. 09/003,812

- COLED I ALID

Filed: 01/07/1998

Examiner: GRIER, LAURA A.

For: MULTIPURPOSE EARPHONE SET

INFORMATION DISCLOSURE STATEMENT

Mail Stop <u>AMENDMENT</u> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed before the mailing date of a Notice of Allowance closing prosecution, and within three months of a foreign application search report which first cites the enclosed references. The provisions of 37 C.F.R. 1.97(c)(1), state that

An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by ... The statement specified in paragraph (e) of this section.

04/01/2005 19:51 240-3710700 PAGE 05/56

Serial No. 10/635,929

In accordance with the provisions of 37 CFR 1.97(e)(1), applicants hereby state that each

item of information contained in the information disclosure statement was first cited in a

communication from a foreign patent office in a counterpart foreign application not more than three

months prior to the filing of the information disclosure statement.

More specifically, in a communication dated March 2, 2005, the European Patent Office

(EPO) examiner identified four references as being of category "A" relevance to the present

application, i.e., as providing technological background therefor. Applicants provide herewith a

copy of the search report communication of the EPO, as well as copies of the three identified

Japanese references (along with English language abstracts) and the single US patent identified in

the search report, and identify the fourth reference as US Patent 4,960,018. All references are

identified on accompanying form SB08A, a substitute for form 1449/PTO.

It is believed that the search report communication identifies the relevance of the references

cited therein to the claims.

Having thus complied with the provisions of 37 CFR 1.97 and 1.98, it is respectfully

submitted that consideration of the instant Information Disclosure Statement is in order and the

same is courteously requested.

Respectfully submitted

Israel Gopstein

Registration No. 27,333

1090 Vermont Avenue, N.W. Suite 250

Washington, D.C. 20005

(202) 835-1111

(202) 835-1755 (fax)

Date: April 1, 2005

PTO/SE/08A (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trodemark Office; U.S. DEPARTMENT OF COMMERCE

	to respond to a collection of information unless it contains a valid OMB control number Complete If Known				
Substitute for form 1449/PTO	Application Number	09/003,812			
	Filing Date	01/07/1998			
NFORMATION DISCLOSURE	First Named Inventor	Satoshi BAN			
STATEMENT BY APPLICANT	Art Unit	2644			
(Use as many sheets as necessary)	Examiner Name	GRIER, LAURA A			
of	Attorney Docket Number	041-1987			

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ^{2 (# known)}	10.00		
		^{US-} 4,960,018	10-02-1990	Towsend	
		US-			
	-	US-			
	<u> </u>	Us-			
		US-			
		US-			
		US-			
	 	US-			
		U\$-			
	<u> </u>	US-			
· ·		US-			
		US-			
		US-			
		US-			

Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	7
	 	Country Code ³ Number ⁴ Kind Code ⁵ (if known) JP 05091016	04-09-1993	Tadao	English Abstrac	
		JP 08195997	07-30-1996	Akihiro	English Abstrac	F
		JP 07222241	08-18-1995	Shigeto	English Abstrac	Ļ
						t

		Date	
Examiner		Considered	
Signature	1		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Petent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For USPTO Petent Documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the This collection of information is required by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any comments including gathering, preparing, and submitting the complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.